

DEPARTMENT OF WOMEN AND CHILD DEVELOPMENT
GOVT. OF NCT OF DELHI
1-A, CANNING LANE, K.G. MARG, NEW DELHI
(CHILD PROTECTION UNIT)

Min. of Women & Child Dev.
Date: 16/5/13
Section Dy. No.



Ms. Reena

20/5

CHAPTER-I

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4021-4030

Dated: 10 MAY 2013

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20/5/13
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GENERAL PROCEDURES APPLICABLE TO ALL
CHILD WELFARE COMMITTEES

These Rules of procedure in regards to transaction of business by the CWCs are prepared in compliance of Section 30(1) of the Juvenile Justice (Care & Protection of Children) Act, 2000. All the Chairpersons and Members will ensure that the prescribed Administrative Procedure and Protocol is followed for the smooth functioning of the Child Welfare Committees.

1. The CWC is a bench of Magistrate and Chairperson and Members are jointly expected to maintain proper decorum during the conduct of the proceedings.
2. Jurisdiction as decided by the Govt. must be followed by the CWCs and no matter pertaining to jurisdiction of another CWC should be dealt with unless in emergency or in the best interest of the child. However, the CWC may guide the child/agency concerned to the appropriate CWC. Where a CWC finds it imperative to deal with a case otherwise belonging to a different jurisdiction, it shall record in writing the reasons and special circumstances under which the case was attended.

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3. The Chairperson of all the CWCs must work out a time-table in such a manner that necessary and adequate time is allotted for dealing with cases as well as preparation for the next day and for consultation among the CWC members, administrative matters and other functions of the Committee.
4. The Committee should keep one hour towards the end of the day for staff to prepare list of cases for the following day. The members should utilize this time for consultation and taking decisions in cases where the final orders have been reserved.
5. There should be specific time allotted for taking up new cases i.e. production of children for the first time. In cases where the production of the children is already scheduled, a list should be prepared in advance.
6. The CWC should meet every Saturday to review its working and take decisions regarding functioning of the CWC. Weekly minutes of the review meeting should be recorded on a regular basis. Issues pertaining to functioning of CWC and consultation on specific cases should be taken up in the review meeting.
7. As specified in Rule 26(1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 regarding quorum for the meeting shall be two members attending which may include the Chairperson or the officiating Chairperson. Hence the Committee should deal with two cases at a time and take interim/final decisions collectively or by majority vote.
8. Atleast two members should be present at the time of taking an interim decision and at the time of taking final decision the Chairperson/ officiating Chairperson should be present during disposal of case.
9. No favour should be granted to any person in terms of attending to their case as a matter of preference.
10. In case the Committee is not sitting, the child may be produced at the residence of the Chairperson /Members. **Rule – 27(5)**
11. While talking to the child, members should speak one by one giving the child or the persons accompanying the child sufficient time to respond.
12. Generally Committee should not give long dates in pending inquiry cases. On an average the dates should not exceed the time period of one week to ten days.

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13. Individual case file should be opened for each child containing all relevant documents. The code of categories of children will be indicated on the case file/register. If the child falls in more than one category, same code should be indicated against his name in the case file / register. The code of categories of children is placed at Annexure-I.
14. When a child is produced before the Committee the Members must interact with the child directly specially in case of Child Abuse and Missing Children.
15. (a) The decision making process should involve a compulsory consultation between the Chairperson and other members of the Child Welfare Committee.
(b) Such a consultation and/or the discussion on a particular case should not be carried out in the presence of parties. Final orders should be reserved for another date only in cases where consultations are required.
16. Orders passed by the CWC should be based on the provisions of the law i.e. it should contain legal reference as far as possible especially in the context of the JJ Act, 2000, the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009 and other relevant laws.
17. CWCs are required to pass written orders in every case /complaint / representation given to it. The version of the child must be recorded in every case.
18. The dissenting opinion of the Member (s) if any should also be taken on record while passing an order.
19. Attendance of the persons present before the Committee should find a mention in the orders of the CWC.
20. CWC must refer to the previous orders of the CWC while passing further orders.
21. CWC should avoid writing decisions / orders on the reports /documents submitted by Police Officials/ NGOs.
22. The CWC must ensure that the MPR for the previous month must reach CPU/ICPS in the 1st week of every subsequent month. The MPR should also indicate a column of missing children. The data of the same shall be

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sought from the Police Stations in the jurisdiction of CWC. Annexure-II & III.

23. Atleast two members should inspect an institution for reviewing the condition of the children kept there or for recommending to the Govt. for grant of license under the provisions of the JJ Rules. (Rule -25(p) & 71)
24. Chairpersons/Members should give a patient hearing to NGOs and Police Officials, when contacted on phone for seeking guidance or support regarding children in need of care and protection.

The aforesaid General Principles have been laid down to simplify and to bring uniformity in the functioning of Child Welfare Committees and to develop the existing practices in the best interest of the child.



(RAJIV KALE)
Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4021-4030

Dated: 10 MAY 2013

Copy to :-

1. PS to Joint Secretary, M/o Women & Child Development, Govt. of India, Shastri Bhawan, New Delhi.
2. PS to Secretary to MWCD, (WCD&SW), 8th Level, A-Wing, Delhi Secretariat, New Delhi.
3. PA. to Dy. Commissioner of Police, Crime (Women Cell), P.S. Nanakpura, Delhi.
4. The Chairperson/Members, Child Welfare Committee, Sewa Kutir Complex, Kingsway Camp, Delhi.
5. The Chairperson/Members, Child Welfare Committee, Sanskar Ashram Complex, Dilshad Garden, Delhi
6. The Chairperson/Members, Child Welfare Committee, Nirmal Chhaya Complex, Jail Road, Delhi.
7. The Chairperson/Members, Child Welfare Committee, Asha Kiran Complex, Awantika, Rohini, Delhi.
8. The Chairperson/Members, Child Welfare Committee-VII, Nirmal Chhaya Complex, Jail Road, Delhi.
9. The Chairperson/Members, Child Welfare Committee, NPS School, Near Delhi Police Apptt. Mayur Vihar Phase- I, Delhi.
10. The Chairperson/Members, Child Welfare Committee, Kasturba Niketan Complex, Lajpat Nagar, Delhi.


(RAJIV KALE)
Director, WCD

Annexure-I

The following code of categories of children will be indicated in the case file/ register.

	Category of Children	Code Number
(a)	Homeless/Abandoned Child	01
(b)	Missing/ Run Away Child	02
(c)	Child found begging	03
(d)	Victim of Sexual Abuse	04
(e)	Street Child	05
(f)	Trafficked Child	06
(g)	Child of Substance/Drug Abuse	07
(h)	Victim of Natural Calamities/Civil Commotion /Armed Conflict	08
(i)	Incapacitated Parents	09
(j)	Mentally/Physically Challenged	10
(k)	Mentally/Physically ill	11
(l)	Suffering from Terminal diseases	12
(m)	AIDS/HIV infected/affected	13

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PROFORMA FOR MPR FOR CWC's: Month- Year-2013

Name of the CWC	Number of cases at the beginning of the month	New cases received	Total 1 to 2	Rehabilitation/Disposal									Total 4 to 9	Cases related			Pending on the last date
				Restored to parents directly	Transferred to other states	Restoration through escort	Declaring children legally free for adoption	Restoration to institution for	Transferred to other CWC's	Run Away	Death	Foster Care		Missing Children in the Jurisdiction			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
CWC-I, Nirmal Chhaya Complex, Jail Road,																	
CWC-II, Kasturba Nirketan Complex,																	
CWC-III, Sewa Kutir Complex, Kingsway																	
CWC-IV, Community Centre, Shankar Market, New Delhi and																	
CWC-V, Sanskar Ashram Complex,																	
CWC-VI, Asha Kiran Complex, Avantika,																	
CWC-VII, Nirmal Chhaya Complex, Jail																	
Grand Total																	

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Chairperson/Members

Monthly Reporting format of Child Welfare Committee(CWCs)

For the month of _____

Anveshu - III

Name of the chairperson : _____

Office Address of CWC : _____

Email Address: _____

Contact No: _____

Report Submitted on: _____

Tenure of the CWC : _____ from _____ to _____

Total number of sittings of CWC in the reported month : _____

A) Status of CNCPP** cases before CWC

S.NO		Girls	Boys	Total	Remarks
1	Number of CNCPP** cases before CWC carried forward from the last month				
2	Number of CNCPP** new cases before CWC as on 1st day of the month				
3	Number of CNCPP** cases disposed of by the CWC during the month				
4	Number of CNCPP** cases carried forward for next month				
5	Number of CNCPP** cases pending before the CWC as on last day of the month				

B) Details of Disposal of Cases

S.No		Girls	Boys	Total	Remarks
1	Number of children restored to their family during the month				
2	Number of children sent to children's homes				

Anveshu

3	Number of children sent to SAA				
4	Number of children sent to other Districts				
5	Number of children sent to other States.				
6	Any Other, give details				

C) Number of Children declared "Free for Adoption"

S.No		Girls	Boys	Total	Remarks
1	Number of pending cases carried forward from the previous month				
2	Number of new cases during the month				
3	Number of cases declared 'free for adoption' during the month				
4	Number of cases carried forward to the next month				
5	Cases pending as on last day of month for declaring a child 'free				

D) Details of Children referred to Sponsorship & Foster Care Committees

S.No		Girls	Boys	Total	Remarks
1	Number of Children referred for sponsorship committee				
2	Number of Children referred for foster care committee				

D) Training of Members

S.No	Topic	Organised by	Attended by	Date & days	Remarks
1					

Any other : _____

Signature with stamp

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Quarter no:

Duration:

Office Address:

Name of the Chairperson:

Phone Number:

Contact number:

Email Address:

	Status of CNCP** cases before CWC	Girls	Boys	Total
1	Number of CNCP cases before CWC as on 1 st day of the quarter reported upon			
2	Number of CNCP new cases before the CWC during the quarter reported upon			
2	Number of CNCP cases disposed of by the CWC during the quarter reported upon			
3	Number of CNCP cases pending before the CWC as on last day of the quarter reported upon			

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(CHILD PROTECTION UNIT)



CHAPTER-II

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4011-4020

Dated: 10 MAY 2013

SOP FOR VICTIMS OF SEXUAL ABUSE

Sexual Abuse - It includes all forms of sexual assault, exploitation, harassment and pornography related offences as referred under the provisions of Protection of Children from Sexual Offences Act, 2012.

Role of Child Welfare Committee

(A) When information is received by a CWC from any source including the media regarding sexual abuse of a child under its jurisdiction the committee should take the following steps:

1. Acknowledge receiving the information on record, take suo-motu cognizance of cases brought to notice and seek a report from local police within shortest possible time.
2. A copy of such order should be mailed/faxed or sent by hand to the Police Station and to the State/District Child Protection Unit seeking necessary support in dealing with the cases.
3. In case of no response from Police, there must be a follow-up in a time bound manner. Matter must be brought to the knowledge of the senior police officers for necessary action. The State/District- CPU should also be kept informed about action taken.

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4. Make efforts to locate the whereabouts of the victim and provide assistance by way of counseling; medical, etc.

(B) When a child victim of sexual abuse is produced before the Committee by any person, the Committee is required to do the following :-

- a) If the child is in an institutional care (recognized or unrecognized) action as contained in, Rule 60 (2) of the Delhi J.J. Rules, 2009 should be strictly followed by all concerned and CWC should ensure compliance. The Committee should seek a detailed report from the Head of the Institution within two days of having received such information regarding abuse of child in writing from any person or verbally from the child at the time of production or inspection of the institution.
- b) Child should be interviewed by a female member (s) separately. In case female member is not available only then the female Welfare Officer / Counselor should interview the child in the presence of a CWC Member.
- c) Opinion of the family members and / or relatives should be sought before taking any decision about the child's care, protection and rehabilitation. The opinion sought should be mentioned in the order.
- d) The version of the child must be taken on record, identifying the abuser clearly, nature of abuse and need of the child for medical, psychological and psychiatric treatment. The name of the CWC Member and/or Welfare Officer / Counselor who interviewed the child should be placed on record.
- e) In case, the child is not in a position to speak due to age, mental and physical condition, Committee should make such observation referring to the medical examination report.
- f) In case committee finds any discrepancy in the statement of the child and the version recorded in the F.I.R and/or medical examination report, the same must be indicated in the observation of the CWC in writing.

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- g) In accordance with Rule 27(9), the Committee shall facilitate filing of police complaint and F.I.R. in all cases of sexual violence, exploitation and abuse of child.
- h) The Committee should also arrange for required legal aid through the legal aid counsel deputed by Delhi Legal Services Authority (DLSA) with the Committee and a copy of CWC order should be given to the concerned person.

(C) Directions/Guidelines issued by Hon'ble High Court of Delhi in the matter W.P. (Cri.) No. 696/2008 (Delhi Commission for Women vs Delhi Police) should be strictly followed as and where applicable in pursuance to the High Court's Order. The CWC is required to do the following:-

- (i) In cases of incest and children in need of care and protection, the Child Welfare Committee shall examine the victim to ascertain the nature of support she is getting from her family and initiate steps for ensuring best interest of the child. In such cases the Child Welfare Committee shall conduct a home study to assess and ensure the safety of the victim.
- (ii) In cases where the child is placed in an Institution, the Committee shall monitor the condition of the victim closely.
- (iii) In cases of incest, while the victim stays in the children home the family members should be allowed to meet the victim only in the presence of the support person and care be taken by the staff of the home that the meeting is not used to pressurize/influence the victim to change her statement.
- (iv) Child Welfare Committee shall ensure that rehabilitation facilities are provided to the victim in appropriate cases. In cases of prolonged stay, the victim should be given educational and vocational training in order to enable the victim to support herself after she leaves the children home.
- (v) Before passing any order of restoration of custody of child to the family, the Child Welfare Committee shall conduct an inquiry to assess the suitability of the victim being restored to the family. The Custody of the child will be altered by the Child Welfare Committee only after consultation with the stake holders;

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- (vi) Child Welfare Committee shall ensure that the victim is provided with necessary medical and psychological aid during her stay in Children Home for the purpose of her rehabilitation;
- (vii) Child Welfare Committee shall maintain a list of all registered Child Care Homes providing residential support, special services and rehabilitation facilities to the victim.

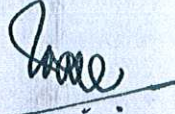
(D) The role of CWC in handling cases of sexual abuse is well defined and prescribed under the provisions of the J.J. Act, Delhi JJ Rules, 2009 and POCSO Act and Rules, 2012. The same must be complied with in letter and spirit of the Act and the Rules. The provisions under the POCSO Rules are as under:

1. Take cognizance of the children produced by Police/SJPU, NGOs Child Line or by any person including child himself/herself under the provisions of JJ Act and the POCSO Act.
2. To provide a detailed assessment of the child produced by Police/SJPU under Rule 4 (3) of the POCSO Rules, 2012 to the **State Commission.**
3. In case child is a victim of abuse within a family or shared household, the CWC should decide within three days whether he/she needs to be taken out of the family/ shared household and placed in a children home/shelter home.
4. CWC must take into account consent of the child and considerations listed I to VII under Rule 4 (5) of the POCSO Rules, 2012.
5. CWC shall inform the parent/guardian/support person about the decision taken regarding the custody and also explain the reasons.
6. As per Rule 4(7) of the POCSO Rules 2012, the CWC has to provide a support person to each child to render assistance through the process of investigation and trial. The CWC may designate W.O. of CWC/CIC Counselor/ W.O. SJPU/W.O. DCPU/ Social Worker of NGO. as support person. The CWC must explain to the support person his/her role and responsibilities. In case of a non Govt. person, CWC must ensure willingness and competence of the person before designating him/her a support person.

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- 7. While deciding about the support person CWC must take into account the opinion of the child/parent/guardian and ensure that he/she enjoys the trust and confidence of the child/parent/guardian.
- 8. Compensation – CWC should facilitate the child's parents/guardians in seeking the compensation under victim compensation fund through DLSA as provided under section 33 of the POCSO Act, 2012. The W.O. posted in CWC should provide all required support to the persons applying for compensation.

(E) **Crisis Intervention Centre** - CWC should coordinate with the crisis intervention centre programme of the Delhi Commission for Women and Delhi Police and refer all cases of Child sexual abuse for their intervention in writing and seek progress reports periodically.

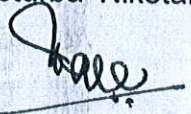

 (RAJIV KALE)
 Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4011-4020

Dated: 10 MAY 2013

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CHAPTER-III

STANDARD OPERATING PROCEDURE FOR CHILD WELFARE COMMITTEE

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4001 - 4010 Dated: 10 MAY 2013

SOP FOR CHILD TRAFFICKED FOR COMMERCIAL
SEXUAL EXPLOITATION

Trafficking of children for commercial sexual exploitation – Trafficking is associated with various forms of exploitation including labour, domestic help, adoption and other illegal activities. The Commercial Sexual Exploitation of a child is sexual abuse of minor for economic gain.

“Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.”

While dealing with child victim of Trafficking, CWC will strictly follow the followings:-

1. **Age Verification/Determination**

Age verification / determination must be done as per **Rule 12** of the Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.

2. **Visitation of parents/ guardians/ relatives**

- a) In a case where the CWC is of the opinion that the parents/ guardian/relatives may be responsible for subjecting the child to violence, abuse or exploitation, CWC will record its observations in its order, a copy of which will be sent to the officer in-charge of the Institution enabling him/her to exercise his/ her

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- b) power under Rule 58 (1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009.
- c) All the orders passed by CWC should be supported by the relevant provisions of Juvenile Justice (Care & Protection of Children) Act, 2000 and Rules therein and other relevant Rules and guidelines. It should be ensured that CWC should pass speaking orders in all respect.
- d) The child victim of trafficking should be allowed to meet his/her parents/relative **in accordance with the Rule 58(1) of Delhi Juvenile Justice (Care & Protection of Children) Rules, 2009** under the supervision of the Official of the Institution after verification of the identity documents of the parents/ guardians/ relatives.
- e) In case of foreign national the verification of parents' identity will be done through the concerned High Commission /Embassy / recognized local NGO of that country in writing. In case of refugee children, coordination be done through the UN High Commission for Refugees.

3. Ensure comprehensive police investigation

- a) At the time of production, CWC must check whether the child has been influenced by somebody or under someone's pressure for not agreeing for medical examination (gynecological examination/medical examination for sexual assault). If found so, CWC must order for fresh medical examination specifying the reasons thereof.
- b) Inquiry should be done from the Source State from where the child has been trafficked. Linking the inquiry to the source area, the CWC should inform the District Child Protection Unit / Police of that State about the child and seek written report. The relevant documents should be given to the concerned I.O. to strengthen the case in the best interest of children.
- c) All children victims of trafficking should be provided with Legal Aid Counsel deputed by Delhi Legal Services Authority for free legal aid services. (Rule 27(13) of Delhi JJ Rules, 2009).
- d) CWC should provide all the relevant documents and information to the Legal Aid Counsel including the details of the NGO involved in the rescue operation.
- e) The CWC should provide the names of all accused persons involved in the trafficking and abuse of the child - the brothel owner, pimp, agent/trafficker, *naika (Manager) etc.* to the police for registration of FIR and investigation.

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4. Restoration /Transfer of Child

While passing orders regarding restoration/transfer of child the CWC should seriously take note of the following in the best interest of the child.

- a) If prostitution is source of livelihood of the parents or any member of the extended family has been involved in trafficking.
- b) Willingness of the child.
- c) **SIR/Home Study report** must be sought from the concerned CWC/District Authorities before deciding on transfer/restoration in the native State.
- d) CWC must transfer case file to the concerned CWC/District Authorities for further follow up at the time of restoration/transfer and keep a copy for its own records.

(RAJIV KALE)
Director, WCD

F. No. 61(SOP)/CWC/DD(CPU)/DWCD/2010-11 4001-4010
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Director, WCD